

Transportation Enhancement Projects Local Self-Administration

Local self-administration of a Transportation Enhancement (TE) project is an alternative procedure available that permits local agencies to self-administer any or all of the following activities: right-of-way and relocations assistance activities, bidding and award of contracts, and construction and contract administration of their federal-aid Transportation Enhancement project. A local agency that has not been certified to administer FHWA projects (Certification Acceptance) must obtain approval to self-administer these activities. Below are the development guidelines for local self-administration projects issued by FHWA on February 13, 2007.

It must be understood that Local Self-administration is not the same as Certification Acceptance. Projects are considered individually by request and the local agency must go through the ADOT Right-of-Way and Utility & Railroad sections for clearance of their project. To begin the request, the local project sponsor must submit their intentions to administer one or all of the above activities in writing to ADOT Manager of the State TE Program. The request will then be forwarded to the ADOT District Engineer (DE) for review and comment and, if approved by the DE, will then be forwarded the FHWA Area Engineer for concurrence.

Intentions to self-administer any of these activities should be made known in the TE Application or as early in the scoping process as possible, followed by a formal request for approval. Projects that have Environmental Approval or an executed Intergovernmental Agreement (IGA) will not be considered. If the Environmental Documentation or IGA are in process, they must be revised to reflect the activities that the sponsoring agency has been approved to self-administer. Requests for local self-administration need to be submitted to:

Arizona Department of Transportation
Transportation Enhancement Section
Attn.: Cheryl W. Banta, Manager
1615 W. Jackson St., Mail Drop EM10
Phoenix, AZ 85007-3217

The procedure does not eliminate any project development processes (Project Scoping, Environmental Determination and Utility/Railroad and Right-of-Way Clearance). Benefits of local self-administration to a local agency include savings in time and money since the agency is not bound to ADOT standards and staged reviews (with the exception of full ADOT staff review of 60%-level bid documents including plans, engineering reports, specifications and estimates) and has the authority to advertise, award, and manage its project. However, ADOT reserves the right to step in at anytime during project development and alert the project sponsor that project authorization and funding could be in jeopardy when it is determined that any aspect of federal-aid or State TE Program requirements are not being observed. The procedure requires local agencies to

commit sufficient staff and other resources for project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently.

All approved local self-administered federal-aid TE projects must follow state laws & procedures in the same manner as for State funded projects. Title 23 requirements pertaining to contracts (bid proposal content and DBE) and procurement procedures (competitive bidding, Brooks Act) still apply. However, because of the nature of these types of projects, D-B requirements may not apply (FHWA Memo of July 28, 1994).

Once a project is approved for local self-administration, the local agency is the approving authority in the following project items:

- Location and design
- Utility agreements
- Railroad agreements
- Standard Consultant/Contractor Agreements
- Public hearings, findings, and orders
- Plans, specifications, and estimates
- Tied bids
- Advertisement and award of construction contracts
- Construction administration
- Construction material testing and testing personnel

FHWA and ADOT retain approval authority for the following:

- Authorization of federal funds
- Environmental requirements for NEPA and ESA (Endangered Species Act)
- Right-of-way and Utility clearance
- Final inspection
- Equal Employment Opportunity (EEO) programs
- Disadvantaged Business Enterprise (DBE)
- Nonstandard Consultant/Contractor Agreements

After approval of project scoping, the local agency undertakes design but must submit the Environmental Determination and technical reports for ADOT and FHWA action. As with all projects, if there is a SHPO Agreement, copies of the plans at each stage of design will need to be submitted to ADOT for forwarding to SHPO for review and comment. Additionally, before construction funds can be authorized from FHWA, the right-of-way certification form and utility clearance letters and memo must be submitted and approved by ADOT, and the ADOT Project Manager must have received the Clearance Memos from the ADOT utility and right-of-way project coordinators. Additionally, the ADOT Project Manager will request copies of the construction documents, engineering reports which support the design (Geotech, drainage, pavement design, calculations, etc.), and estimate at the 60% stage for review to ensure funding

eligibility and also at near bid-ready stage (95-100% pre-final) with the sponsor's request for the funding when the project is ready for advertisement for construction.



**FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION**

DEVELOPMENT GUIDELINES

NUMBER: DG-42A

February 13, 2007

SUBJECT: Local Government Agency Administration of Transportation
Enhancement Projects

Normally, State Transportation Agencies administer all phases of Federal-aid Projects, including most Transportation Enhancement (TEA) projects. However, Local Government Agencies may administer certain phases of TEA projects, specifically including (1) the right of way and relocation assistance activities (2) the procurement process (bidding and award of contracts), and (3) the construction and contract administration processes. The following guidelines apply to situations where Local Governmental Agencies which have not been approved for Certification Acceptance desire to self-administer their TEA project.

1. These guidelines apply only to TEA projects.
2. During the initial project application phase, the Local Government Agency should indicate their intention to self-administer one or all of these phases: (1) the right of way phase, (2) the bidding and award of contract phase, (3) the construction phase.
3. The ADOT District Engineer must give prior comments or concurrence for Local Government Agency administration of the TEA projects.
4. In order to receive formal approval to self-administer any one or all three of the phases, the Local Government Agency must submit a written request for approval for self-administration to the ADOT Transportation Enhancement Section Manager delineating the phase or phases to be self administered. If ADOT concurs with the request the ADOT Transportation Enhancement Section Manager will forward the request to FHWA with appropriate comments and recommendations.

The Local Government Agency request must acknowledge in writing that they understand and will comply with Federal-aid procedures and requirements throughout all stages of the project (State of Arizona procurement and procedures).

5. Utility and right-of-way clearances must follow ADOT/FHWA processes and must be approved by ADOT. Real estate activities must be conducted according to the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended (Uniform Act).
6. ADOT is responsible for the right of way activities on federally funded project; therefore, the Right of Way Chief (or designee) should give prior approval for Local Government Agency administration of right of way activities. When a Local Government Agency is approved for self administration of the right of way activities, ADOT's Right-of-Way Group must provide the right-of-way clearance for the project. This function can not be delegated to Local Government Agencies.
7. All phases of the scoping document must be reviewed and approved by ADOT. Additionally, subsequent scope changes must be approved by ADOT.
8. For any project affecting historic properties, all plan phases (30, 60, 95) must be submitted to ADOT for transmittal to the State Historic Preservation Office for review and comment.
9. 60% plans, specifications and cost estimates must be reviewed by ADOT to validate that federal aid and Transportation Enhancement program requirements are met.
10. The final scoping document, plans, specifications and estimates must be signed by a registered professional.
11. Davis-Bacon requirements do not apply to TEA projects located on local roads or rural minor collectors, or outside the right-of-way of a federal-aid eligible highway. The Davis-Bacon prevailing wage rate requirements apply to TEA projects greater than \$2,000 on all Federal-aid eligible highways. ADOT will determine if Davis-Bacon requirements apply.
12. DBE (Disadvantage Business Enterprises) requirements apply on all projects over \$300,000.
13. The Americans With Disabilities Act (ADA) requirements apply to all projects.
14. A registered professional must monitor construction administration.

15. FHWA's approval for Local Government Agencies to administer the right of way activities phase, the bidding and award of contract phase and/or the actual construction and contract administration **does not constitute authorization of funds for the project or authorization to proceed with the work.** A formal request for authorization to proceed must be submitted to FHWA by ADOT, and **FHWA must grant that authorization prior to the commencement of any activities** where reimbursement with Federal-aid funds will be sought.
16. If the Preliminary Engineering phase includes federal funds the project should not proceed past 30% level of development without having an approved NEPA clearance.
17. The following items should be transmitted to FHWA for informational purposes: Bid Opening Report, Engineer's Estimate, Award date, and the Executed Contract.

END OF DOCUMENT